

REMARKS

The foregoing amendments delete certain redundancies from the claims and utilize "formulation" and "total dose" consistently in the claims.

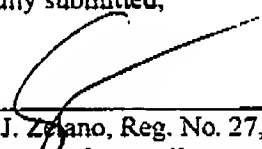
Claim 103, prior to this amendment, recited an AUC value for the instance where a total dose of 20 mg was contained in the generically claimed formulation ("for about a 20 mg total dose"). Straightforwardly, it followed that when the formulation contained other total doses, other proportional AUC's would be produced, as is known for amphetamines (e.g., Suk et al., of record, page 587). The claim stated this: "or an AUC proportional thereto for a total dose other than about 20 mg," but did not need to. The new language says the same thing, only non-redundantly. That is, when the formulation contains a total dose of 20 mg, then it will produce the recited AUC. When it contains other total doses, it will, of course, proportionally produce other AUC's. An analogous change has been made to claim 104. New claims 117-120 are drawn individually to the two possibilities involved.

Similarly, the examiner has pointed out that the now-deleted phrase in claim 111 was essentially redundant in the sense that when both dosage forms contain the same salts in the same amounts, then the total amount of such salts in each dosage form will be the same.

As mentioned to the examiner, parent patent 6,322,819 is involved in litigation in the Southern District of New York (03-CV-1219(VM)(DFE)). Copies of the complaint of February 24, 2003, answer of March 7, 2003 and Paragraph IV certification of January 14, 2003 are attached. To ensure compliance with MPEP 2001.06(c) an RCE is being filed so that the examiner can consider the documents.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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